

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SCOTT ALAN WHITE,

Plaintiff,

v.

H.J. HEINZ COMPANY, L.P.,

Defendant.

Case No. 12-cv-6074

PATENT CASE

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Scott Alan White (“Scott White” or “Scott”) files this Complaint against H.J. Heinz Company, L.P. (“Heinz” or “Defendant”) for willful infringement of United States Patent No. 8,231,026 (“the ‘026 patent”), a true and correct copy of which is attached hereto as Exhibit A.

THE PARTIES

1. Scott White is an independent inventor and a resident of Cook County in the State of Illinois.

2. Upon information and belief, Heinz is a Delaware limited partnership with its principal place of business in Pittsburgh, Pennsylvania.

3. Upon information and belief, Heinz conducts the business of selling “HEINZ” branded products, including the ketchup and condiment business, which includes the accused Dip & Squeeze™ product.

4. Upon information and belief, Heinz conducts the business of selling and making available for purchase “HEINZ” branded products, including Dip & Squeeze™ product, throughout the United States and Illinois.

JURISDICTION AND VENUE

5. This is an action for patent infringement under Title 35 of the United States Code. White is seeking injunctive relief as well as damages.

6. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this is a civil action for patent infringement arising under the 35 U.S.C. § 101, *et seq.*

7. Venue is proper under 28 U.S.C. §§ 1391(c) and 1400(b) because Heinz has committed acts of infringement in this district and/or is deemed to reside in this district.

8. This Court has personal jurisdiction over Heinz and venue is proper in this district because Heinz has committed, and continues to commit, acts of willful infringement in the State of Illinois, including in this district and/or has engaged in continuous and systematic activities in the State of Illinois, including in this district.

GENERAL ALLEGATIONS

I. Scott White's Flash of Genius

9. More than seventy million Americans purchase a "fast food" meal on any given day. Up to two-thirds of these customers visit such establishments by way of drive-thru windows. For all the convenience and flexibility that drive-thru windows afford, they also pose a conundrum for consumers that want to neatly and safely eat their meals without creating a mess. Condiments, such as ketchup or other sauces, are especially difficult to enjoy due to antiquated packaging designs. For instance, enjoying french fries and ketchup in a vehicle is nearly impossible given traditional ketchup "packets." Traditional packets are difficult to open, their contents often squeezed on to some sort of disposable surface – perhaps a sandwich wrapper or container, and hopefully not the consumer's pants. Other tub style containers

facilitate dipping of finger foods, but do not afford consumers the flexibility of squeezing condiments on to their meals.

10. Scott White is a fellow fast food and drive-thru window customer. For years, he too was frustrated by the obstacles of neatly consuming fast food and its attendant condiments in the comfort of his vehicle. Others had attempted to solve this problem but none had been practically or commercially successful. For example, some proposals called for creating condiment reservoirs in the lids of soft drink cups, but such solutions were disfavored because they could affect the temperature of the condiments and risked the beverage or condiment spilling into the other or even on to the consumer. In short, there remained a need for a revolutionary condiment holder.

11. From Scott White's frustration was born a flash of inspiration. Scott realized that an ideal condiment package would be flexible, allowing consumers to choose between dipping finger foods and squeezing condiments on to sandwiches or other foods. Additionally, this flexibility would be a benefit to retailers as they could utilize a common source of condiment packaging for both drive-thru and dine-in diners.

12. Scott invented a condiment container that came to be known as the CondiCup™. To protect his invention, on October 21, 2005, Scott White filed United States Patent Application No. 11/255,367 for a condiment container. Scott also established CondiCup™ LLC to further develop and market his novel condiment cup. His patent application published on April 26, 2007, as Publication No. US 2007/0090107 A1 ("CondiCup™ Application"). Finally, on July 31, 2012, Scott's condiment container patent issued as United States Patent No. 8,231,026.

II. Heinz's Consideration of the CondiCup™

13. Upon information and belief, in the summer of 2006, Heinz was at a pivotal crossroads and subject to a proxy fight by investor Nelson Peltz, who was apparently unhappy with the company's falling market share in key areas, slumping dividends, and falling stock price. Among Mr. Peltz's complaints was his opinion that Heinz had not done enough to win the business of McDonald's Corporation's domestic restaurants. Recounting Heinz's efforts to rekindle a relationship with the world's largest hamburger fast food retailer, the Wall Street Journal reported that Michael Hasco – Heinz's Vice President of Global Accounts – tried to sell McDonald's on the Heinz brand by offering innovative packaging solutions, such as larger dine-in self-serve ketchup reservoirs, as well as “a ketchup pot that attaches to a french fry cup that would make it easier for customers to dip fries while eating in cars.” Although these pitches were unsuccessful, they illustrate the importance of packaging design in the condiment industry, and further demonstrate Heinz's desire to find the next generation of condiment containers.

14. In July 2006, Scott White read about Heinz's packaging woes in the Wall Street Journal and instantly recognized an opportunity to market his invention to a potential client in need of a new condiment container. Scott emailed Michael Hasco and told him about his idea for “a revolutionary package design for condiments that may ultimately replace the inconvenient ketchup packet.” He described CondiCup™'s then-patent-pending design that would “maximize consumer convenience through multiple product distribution options, and increase[] usability for today's mobile society.” He also foretold that more appropriately sized CondiCup™ would “eliminate[e] drive-thru distribution waste, resulting in more accurate expense forecasting” and “help [Heinz] increase sales of ketchup . . . resulting in a higher bottom line for all.”

15. Upon information and belief, Heinz was interested. Some twenty minutes after Scott sent his email, Mr. Hasco phoned Scott to further discuss the CondiCup™. Mr. Hasco invited Scott to Heinz's headquarters in Pittsburgh and tasked Dave Keuthe to coordinate the details. [REDACTED]

III. Scott White's Presentation to Heinz

[REDACTED]

17. [REDACTED]

18.

[REDACTED]

19.

[REDACTED]

20.

[REDACTED]

IV. Heinz “Passes” On the CondiCup™

21.

[REDACTED]

[REDACTED]. Scott was disappointed in the response, but continued in his quest to bring the CondiCup™ to the masses.

22. Upon information and belief, Heinz saw Scott's vision for a revolutionary new condiment container that would become as ubiquitous as the traditional ketchup packet. Upon information and belief, they also saw a novel container that would transform drive-thru condiment sales, and perhaps put Heinz in a position to regain the desperately-sought McDonald's domestic restaurant business.

23. Rather than deal fairly with Scott White and CondiCup™ LLC, the endeavor he established to develop and bring his invention to market, Heinz cut him out. The behemoth international company could not be bothered to contract with a start-up American small business.

V. Heinz Introduces "Its" Dip & Squeeze Condiment Cup

24. Scott heard nothing further from Heinz for nearly four years. During that time, he continued to pursue patent protection with the United States Patent and Trademark Office and to seek avenues for developing and marketing the CondiCup™. Given the dismissive skepticism with which Heinz treated his invention, he was surprised to discover in 2010 that Heinz was on the cusp of launching a substantial marketing push centered on a familiar looking condiment container.

25. In its 2010 Annual Report, Heinz introduced the "Dip & Squeeze" condiment cup to its shareholders. A true and correct representation of Heinz's Dip & Squeeze condiment cup is attached hereto as Exhibit B. The Dip & Squeeze was prominently featured on the cover of the report. Heinz heralded the arrival of Dip & Squeeze as an example of "its" tradition for innovation:

Innovation is a Heinz hallmark and a key to unlocking growth in our core brands. A great example is Dip & Squeeze™ Ketchup,

the new dual-function foodservice package that we announced in February 2010. Dip & Squeeze gives consumers two ways to enjoy Heinz Ketchup – you can peel back the lid for easy dipping or tear off the tip to squeeze it out. This **revolutionary package** holds three times as much ketchup as a traditional packet. It will be available to U.S. consumers later this year.

26. Likewise, in a February 4, 2010, press release, Heinz described the Dip & Squeeze as “[a] true packaging breakthrough.” Again echoing Scott’s original marketing ideas and rationale for the CondiCup™, Heinz noted that the new design “mark[ed] the first ketchup packet makeover for the foodservice industry in 42 years” and that it “holds three times as much Heinz Ketchup as the traditional packet. That means more ketchup when it’s wanted and where it’s wanted with less mess.” Scott’s CondiCup™ pitch was evident even in Heinz’s introductory marketing materials.

27. As described in Heinz’s 2011 Annual Report, the Dip & Squeeze was kicked off with a nationwide marketing tour:

During Fiscal 2011, we launched Heinz Dip & Squeeze® Ketchup, an **innovative** dual-function package that enables consumers to peel away the lid for dipping or tear off the tip to neatly squeeze the ketchup onto their favorite foods. U.S. consumers are responding very favorably to Dip & Squeeze, which contains three time more ketchup than our traditional packets and is much convenient.

28. Heinz wrapped up its promotional tour and kicked off the availability of the Dip & Squeeze at Chick-Fil-A restaurants by ordaining Friday, March 4, 2011, as Free FryDay. In a February 28, 2011, press release announcing the event, Heinz declared, “Today, the way Americans eat on the go **will change forever** as Heinz announces the national availability of Heinz® Dip & Squeeze® Ketchup, the new packaging **innovation** that allows for dipping and squeezing and holds three times as much Heinz® Ketchup as the traditional packet. After **42 years** of messing with ketchup packets, people can now eat *American’s Favorite Ketchup®* with

ease.” Summing up reactions received during the nationwide tour, Heinz confirmed that Scott’s design was a hit with consumers:

“The response from consumers who have had the chance to experience the new Dip & Squeeze Ketchup package has been overwhelmingly positive,” said John Bennett, Vice President of Marketing at Heinz. “People have been telling us that they love the convenience and functionality of the new package, and we are thrilled that it is now available to people nationwide.”

29. The media took notice of “Heinz’s” innovative new condiment cup. On September 19, 2011, in an article entitled “Old Ketchup Packet Heads for Trash,” the Wall Street Journal reported that Heinz had rolled out Scott’s invention across the United States with the biggest names in retail fast food:

[T]he new “Dip and Squeeze” packets[, which] will begin replacing the traditional rectangular ketchup packets later this year at Wendy’s Co. restaurants. Smaller chains including Chick-fil-A Inc., Smashburger Master LLC, and International Dairy Queen Inc. started carrying the packets earlier this year. McDonald’s Corp. and Burger King Holdings Inc. are testing the packets but declined to comment on the results.

30. According to the Wall Street Journal article, Heinz purportedly began developing the Dip & Squeeze three years prior, *i.e.*, in 2008 – approximately two years *after* Heinz claimed to have passed on Scott’s invention and a year *after* his CondiCup™ Application was published. In a refrain particularly familiar to Scott, the Journal praised the dual-function aspect of the package and its three-times greater capacity: “The red, bottle-shaped packets hold three times the ketchup as traditional packets. The new containers are more expensive than the old sleeves, but Heinz hopes customers learn not to grab more than one or two.” Similarly, the Journal reported that the new condiment cup was designed to address consumers’ challenges with eating their french fries with ketchup: “Heinz believes traditional ketchup packets are so annoying that they stop people from ordering fries at drive-thrus.” And Heinz acknowledged that the innovative

package might help rekindle its long-strained relationship with McDonalds: “Though Heinz didn’t design the new packet to get back in McDonald’s good graces, ‘that would be a wonderful side benefit,’ says Heinz’s Mr. Bennett.” In sum, the Dip & Squeeze was the end of “decades” long search for a revolutionary condiment cup. Paraphrasing Scott White’s pitch presentation, Michael Okoroafor, Vice President of Heinz Packaging Research & Development, observed that the new condiment cup is “the most significant packaging innovation for the ketchup packet in more than 42 years.”

31. The innovative design received similar praise from the packaging and restaurant industries. On June 13, 2011, the Dip & Squeeze “was honored with a Silver award in Innovation from the prestigious DuPont Awards for Packaging Innovation.” “‘The Packaging Awards program is an opportunity to celebrate how collaborating throughout the value chain can bring cost-effective innovation to the market to help solve the big issues,’ said Shanna Moore, global director sustainable packaging, DuPont Packaging & Industrial Polymers. ‘The Heinz® Dip & Squeeze® Ketchup package captures the spirit of innovation to resolve customer challenges.’” The Dip & Squeeze was also praised by the National Restaurant Association during its first Food & Beverage Product Innovations Awards as an innovative product that addressed the evolving needs of consumers.

VI. Scott White’s CondiCup™ is a Huge Success

32. In its 2012 Annual Report, Heinz reported the Dip & Squeeze as a key component in the company’s continued growth:

[P]ackaging innovation [is] a key global growth in Ketchup & Sauces. We have a number of exciting initiatives underway, including . . . Heinz® Dip & Squeeze® Ketchup, our dual-function foodservice package. We sold **more than one billion packets** of the Dip & Squeeze® in the United States during the year, and **it is a global priority for the Company.**

33. The condiment cup design has been so successful that Heinz decided to bring it direct to the consumer:

The packets, which had previously only been available at Chick-fil-A and Dairy Queen, are part of the Pittsburgh-based food company's efforts to make a more user- (and mom-) friendly and less messy experience for ketchup lovers on the go. It costs \$1.99 for the 10-pack, Heinz said Monday.

"Consumer demand for this product has been tremendous, as there is a universal need for convenient, portable packaging," said Noel Geoffroy, vice president - global brands, in a prepared statement. "We are thrilled to help consumers make it easier and more fun to dip or squeeze Heinz Ketchup no matter where they are."

34. The full scope of the CondiCup™'s financial success is presently unknown, but conservative estimates project a reasonable royalty in excess of millions of dollars per year.

V. The Dip & Squeeze Is the CondiCup™

35. On July 31, 2012, the United States Patent and Trademark Office issued the CondiCup™ Application as the '026 patent. The Dip & Squeeze infringes one or more claims of the '026 patent. For example, claim 14, which protects Scott's CondiCup™ invention, reads directly on the Dip & Squeeze.

36. Claim 14 claims a continuous sidewall with a peripheral shoulder portion extending outwardly from the continuous sidewall. The Dip & Squeeze likewise has a continuous sidewall and peripheral shoulder portion:

37. Claim 14 further recites an open end formed by the peripheral shoulder portion – *e.g.*, the open "top" of the container bowl that is covered by the decorative wrapper – and a closed end forming the bottom floor. The Dip & Squeeze clearly has an open top end and a closed bottom end.

38. Claim 14 goes on: “the container forming a wide and a narrow end.” The Dip & Squeeze also has a wide end and a narrow end:

39. Claim 14 includes “a removable cover over the open end, the removable cover attached to the peripheral shoulder portion,” which is also clearly visible in the Dip & Squeeze packaging.

40. Finally, claim 14 provides that the cover should be totally removable from the wide end of the container to access the wide end – *e.g.*, for dipping – as well as removable from the narrow end “to squirt or squeeze a condiment from the container.” Indeed, the Dip & Squeeze has a cover that is removable such that consumer can “dip” or “squeeze” ketchup.

41. The foregoing infringement analysis is exemplary only and Scott reserves the right to assert other claims of the ‘026 patent and to make additional infringement arguments pending fact discovery, claim construction, and expert analysis.

VI. Heinz Had Notice of the CondiCup™ Application

42. As discussed above, Scott disclosed his then-unpublished and confidential CondiCup™ Application to Heinz in 2006. Heinz was admittedly aware of the CondiCup™ given its comments about the “defensibility of the claims within the patent application” when passing on Scott’s invention.

43. After Scott learned that Heinz had nonetheless launched the Dip & Squeeze without him, Heinz was reminded of the pending CondiCup™ Application. On April 5, 2011, counsel for Scott wrote Heinz and reminded Heinz that the CondiCup™ Application, by then published and available to the public, was still pending and would protect Scott’s invention.

44. In a response dated June 1, 2011, Heinz again denied the patentability of the CondiCup™. After acknowledging it had reviewed and considered the CondiCup™

Application, Heinz argued the invention was anticipated or rendered obvious by two of their patents: U.S. Patent No. 7,703,619, which did not issue until April 27, 2010, but which claimed priority to a Dutch patent application (PCT Pub. No. WO2004/063048).

45. Scott, however, believed his invention was still patentable and submitted supplemental Information Disclosure Sheets to the United States Patent and Trademark Office to expressly disclose these additional references. The Patent Office considered the materials and agreed with Scott, ultimately allowing the CondiCup™ Application to issue as the '026 patent.

VII. Heinz Willfully Misappropriated Scott's Invention

46. The history between the parties, Heinz's prior notice of the CondiCup™ Application, and the coincidental "development" of a condiment cup identical to Scott's invention and encompassed by one or more claims of the '026 patent is an intentional, willful, and wanton infringement of Scott White's intellectual property rights.

COUNT I

47. Scott White incorporates paragraphs 1 through 46 herein by reference.

48. This cause of action arises under the patent laws of the United States.

49. Scott White is the sole inventor and owner of the '026 patent, entitled "Condiment Container." A true and correct copy of the '026 patent is attached hereto as Exhibit A.

50. The '026 patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

51. Heinz has directly and continues to directly, has indirectly and continues to indirectly, including contributorily and by inducement, infringed one or more claims of the '026 patent in this judicial district and elsewhere in Illinois and the United States, including at least

claims 1 and 14, without the consent or authorization of Scott White, by or through its making, having made, offered for sale, sold, imported, and/or used the patented condiment container.

52. Scott White has been damaged as a result of Heinz's infringing conduct described in this Count. Heinz is, thus, liable to Scott White in an amount that adequately compensates him for its infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

53. Heinz's infringement has been intentional, willful, and wanton, entitling Scott White to enhanced damages. Heinz had notice of Scott White's patent application and, on information and belief, intentionally and knowingly misappropriated the subject matter of the patent application despite an objectively high likelihood that its actions would constitute infringement once the patent issued.

54. This case is exceptional pursuant to the provisions of 35 U.S.C. § 285.

JURY DEMAND

Scott White hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

Scott White requests that this Court find in his favor and against Heinz, and that this Court grant Scott White the following relief:

- a. Enter judgment for Scott White on this Complaint;
- b. Enter judgment that one or more claims of the '026 patent have been infringed, either directly or indirectly by Heinz;

- c. Enter judgment that Heinz account for and pay to Scott White all damages to and costs incurred by Scott White because of Heinz's infringing activities and other conduct complained of herein;
- d. Award Scott White damages resulting from Heinz's infringement in accordance with 35 U.S.C. §§ 154 and 284;
- e. Enter a permanent injunction enjoining Heinz and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all other acting in active concert or participation with them, from infringing or inducing infringement of the '026 patent, or, in the alternative, for a judgment that Heinz account for and pay to Scott White a reasonable royalty and an ongoing post-judgment royalty because of Heinz's past, present, and future infringing activities and other conduct complained of herein;
- f. Grant Scott White pre-judgment and post-judgment interest on the damages caused by Heinz's infringing activities and other conduct complained of herein;
- g. Enter judgment that Heinz's infringement was willful;
- h. Award treble damages in accordance with the provisions of 35 U.S.C. § 284;
- i. Find the case exceptional under 35 U.S.C. § 285; and
- j. Grant all other and further relief as the Court may deem just and proper.

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(12) **United States Patent**
White

(10) **Patent No.:** **US 8,231,026 B2**
(45) **Date of Patent:** **Jul. 31, 2012**

(54) **CONDIMENT CONTAINER**

(76) Inventor: **Scott Alan White**, Homewood, IL (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 777 days.

(21) Appl. No.: **11/255,367**

(22) Filed: **Oct. 21, 2005**

(65) **Prior Publication Data**

US 2007/0090107 A1 Apr. 26, 2007

(51) **Int. Cl.**

B65D 21/02 (2006.01)

B65D 51/20 (2006.01)

B65D 17/34 (2006.01)

B65D 41/00 (2006.01)

(52) **U.S. Cl.** **220/359.2**; 220/23.87; 220/23.88;
220/23.89; 220/258.1; 220/258.2; 220/359.1

(58) **Field of Classification Search** 220/23.87,
220/23, 88, 23.89, 258.1, 258.2, 359.2, 359.3,
220/23.88

See application file for complete search history.

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Primary Examiner — Anthony Stashick

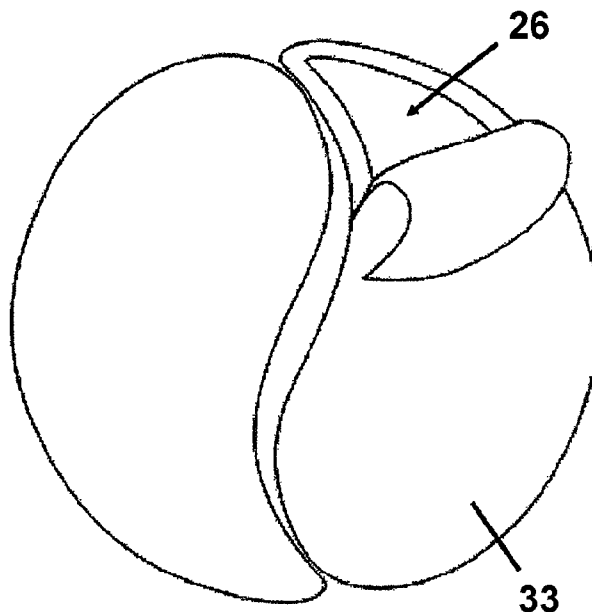
Assistant Examiner — Andrew T Kirsch

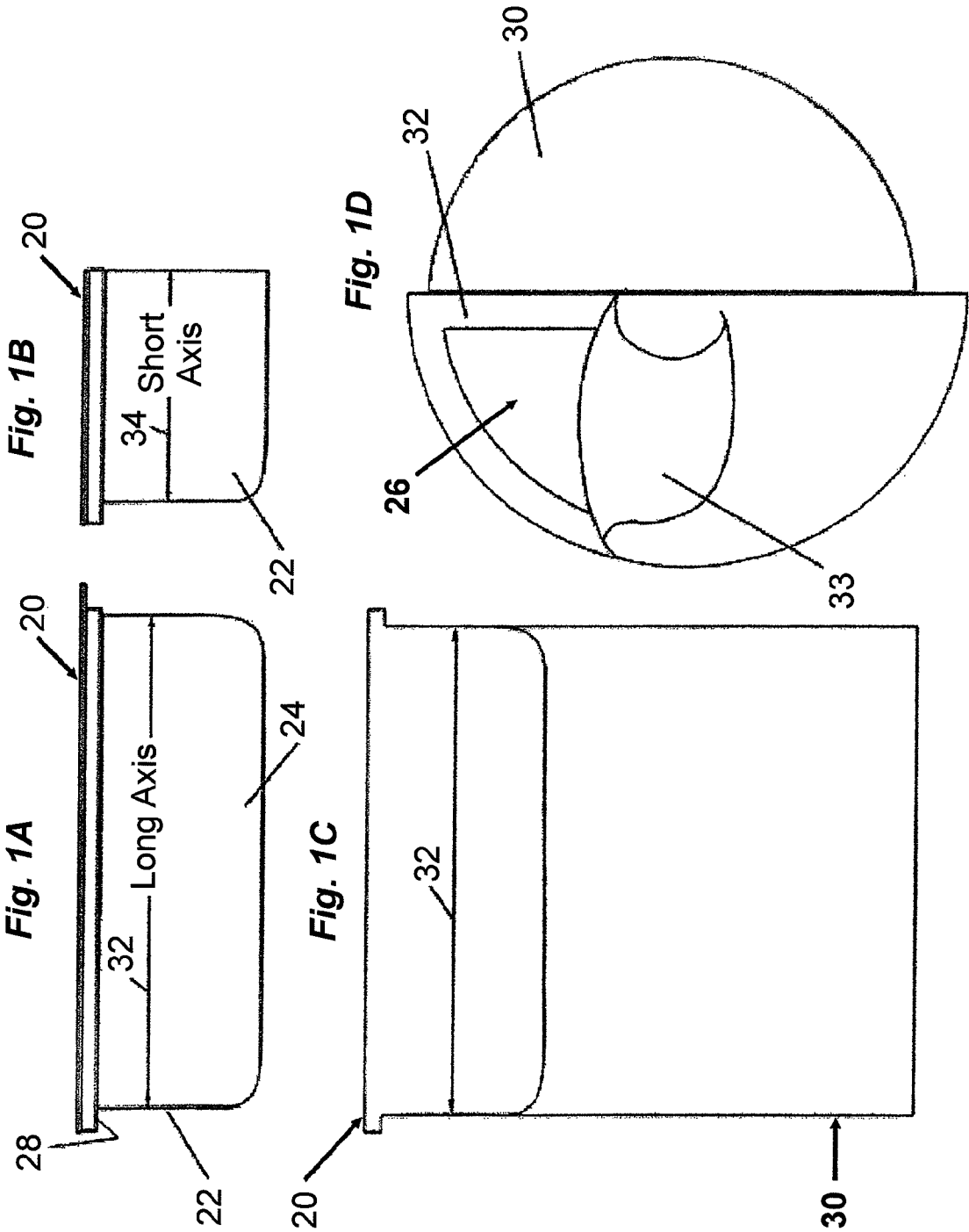
(74) *Attorney, Agent, or Firm* — Polsinelli Shughart PC;
Brian Diekhoff

(57) **ABSTRACT**

A condiment container whose form factor of the condiment container is selected to enable the condiment container to be carried and held in place by a standard drink holder. By configuring the condiment container to be received in a standard drink holder, the problems associated with incorporating a condiment container in a drink container lid are overcome.

19 Claims, 6 Drawing Sheets





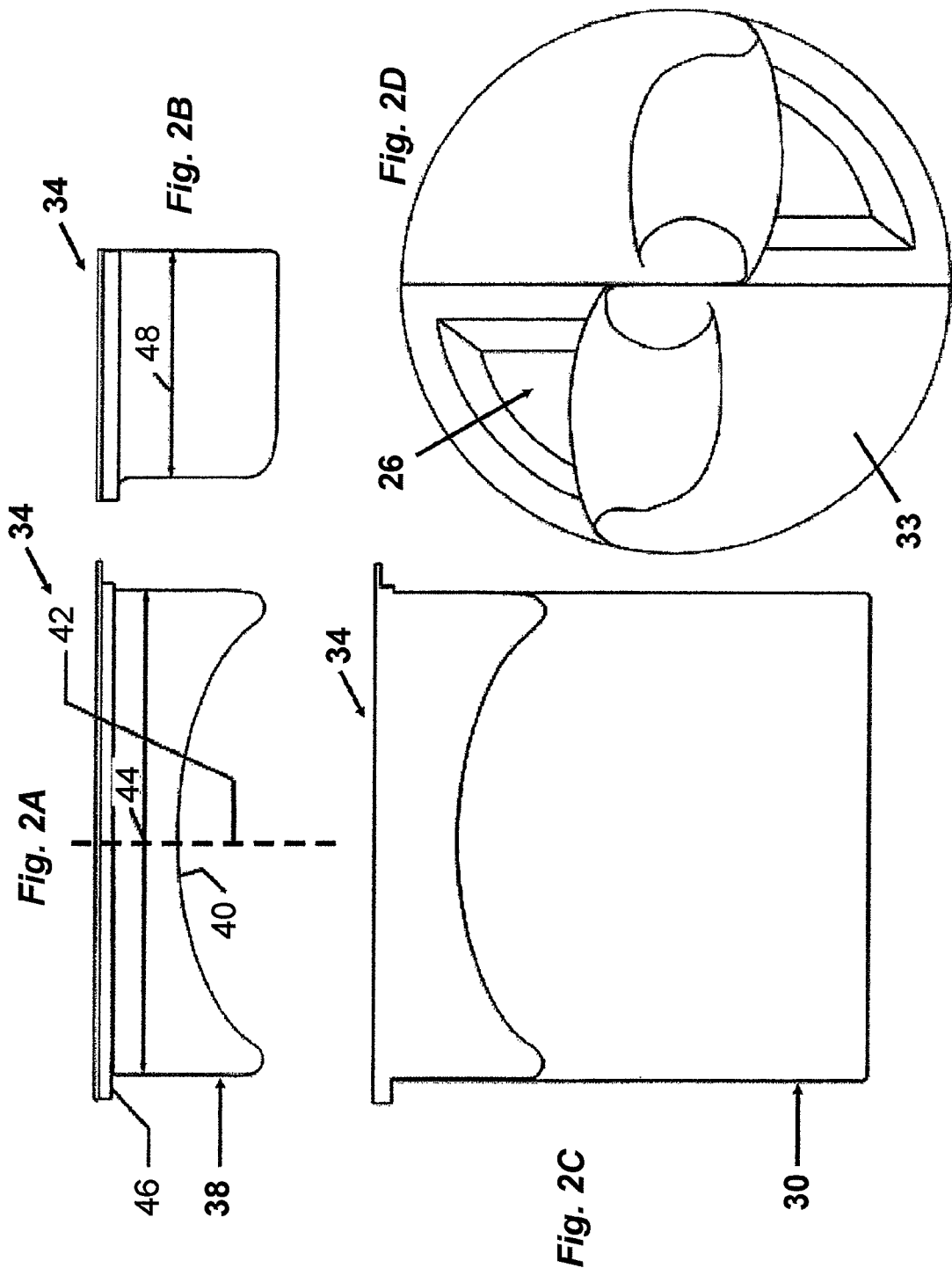


Fig. 3B

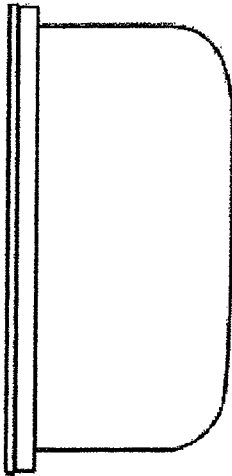


Fig. 3D

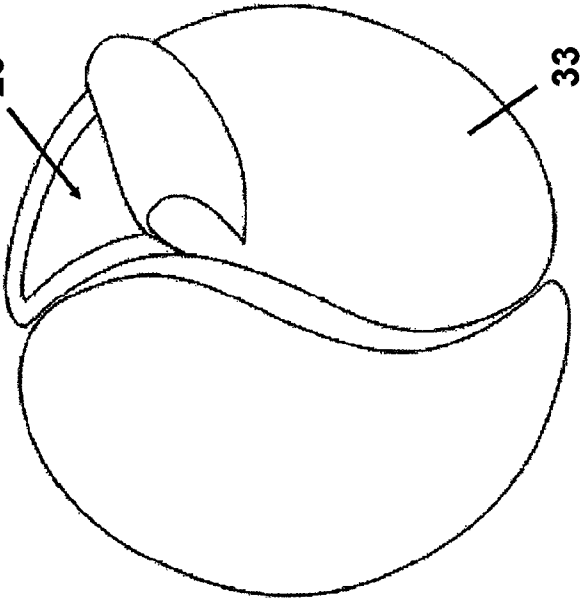


Fig. 3A

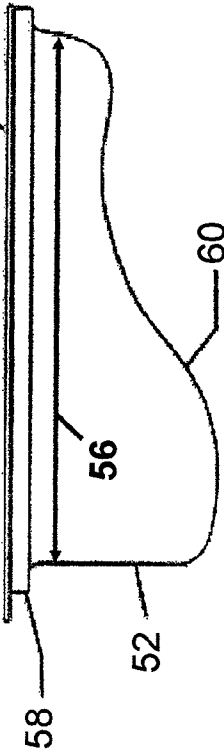
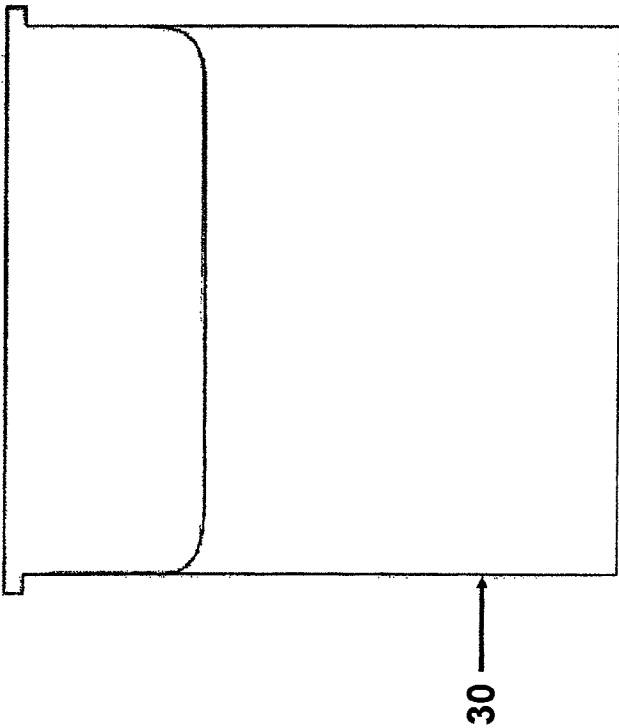


Fig. 3C



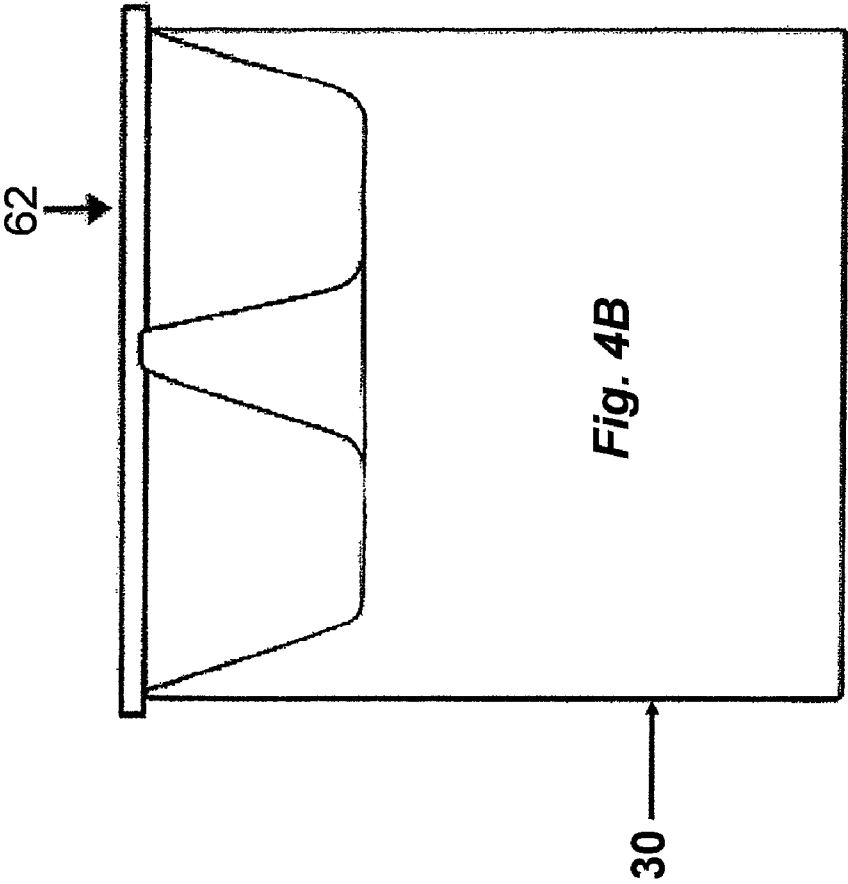
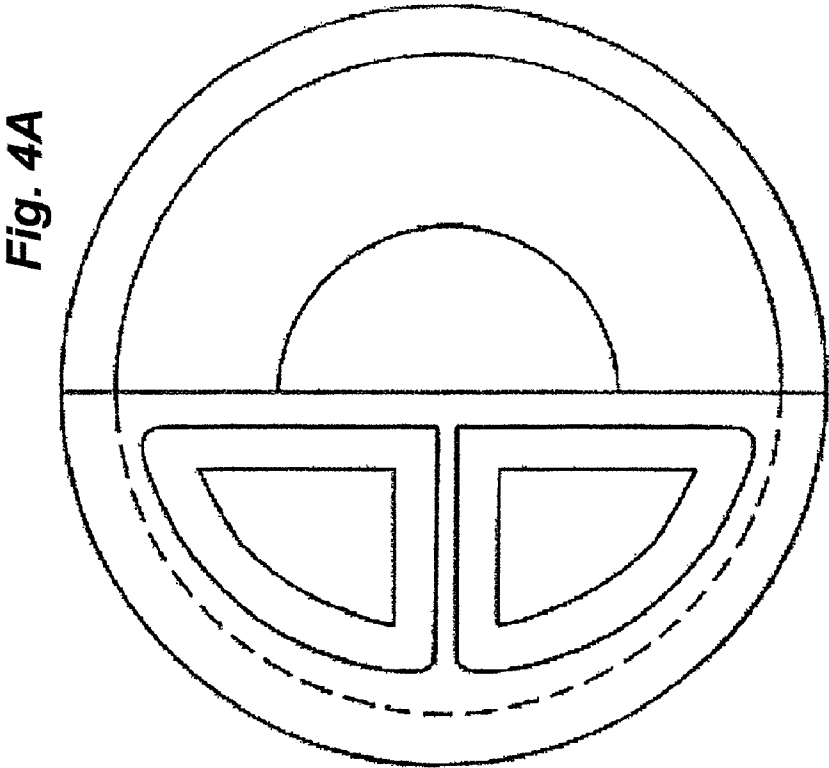


Fig. 5A

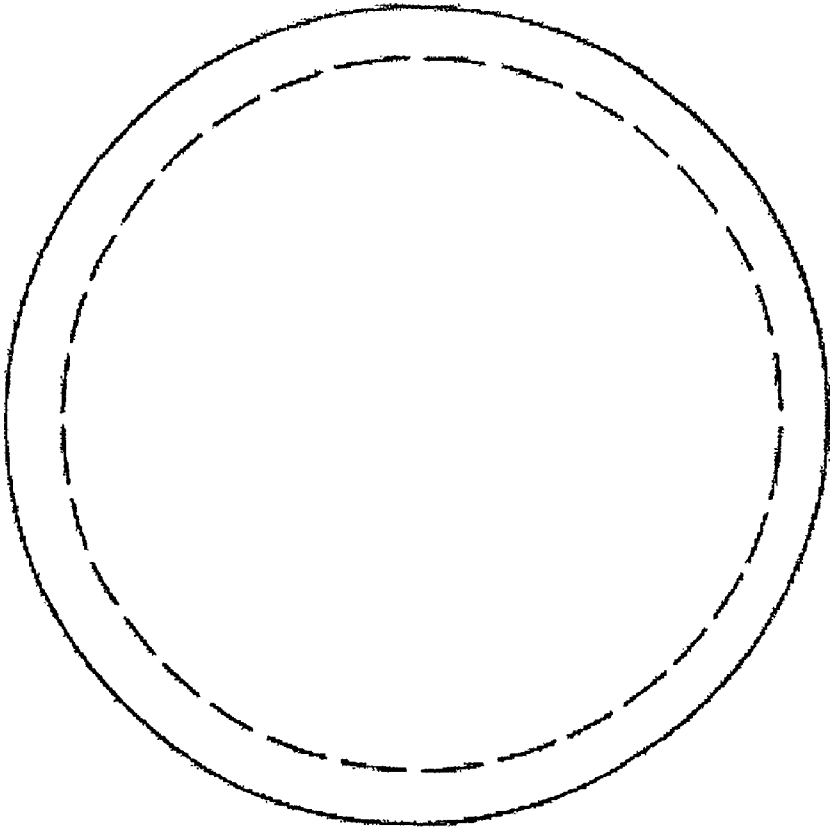
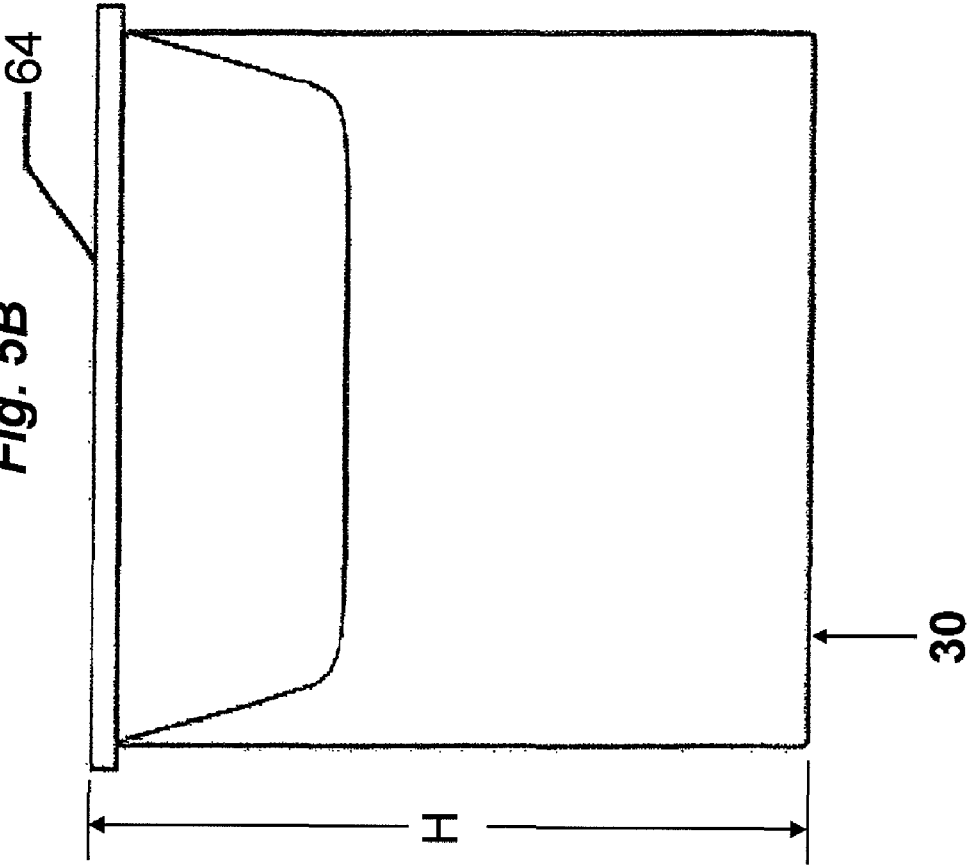
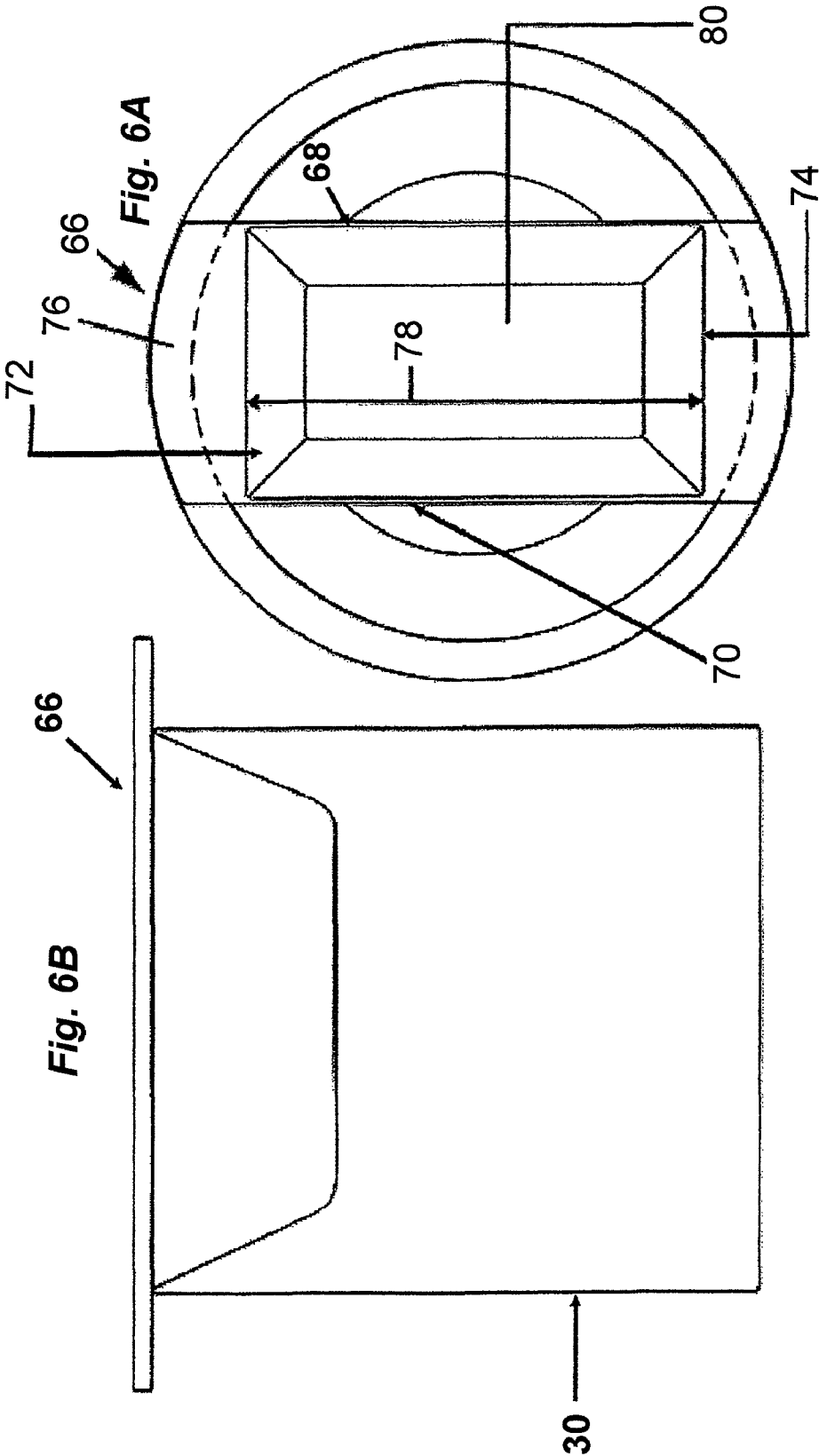


Fig. 5B





US 8,231,026 B2

1

CONDIMENT CONTAINER**BACKGROUND OF THE INVENTION****1. Field of the Invention**

The present invention relates to a condiment container and more particularly to a condiment container configured to be carried by a standard drink holder to enable condiments to be securely carried in place in a vehicle during travel.

2. Description of the Prior Art

In today's society, due to time constraints, many people are known to purchase fast food, as well as soft drinks, for consumption while traveling. Consumption of soft drinks, such as soda and coffee, is so commonplace that virtually all vehicles include drink holders for holding such drinks during travel. However, it is difficult, if not impossible for travelers to enjoy condiments with finger food items, such as french-fries and chicken strips, for example. In particular, some condiments, such as ketchup, are normally provided in a pillow-type condiment container that is adapted to be opened at one end. Such a condiment container makes it virtually impossible for a driver to enjoy ketchup with french-fries. In addition, chicken strips and other fast-food finger items are known to include special sauces, which are normally supplied in tub type containers which need to be carried in a stable manner to prevent spillage. Unfortunately, it is virtually impossible to carry such containers in a stable manner unless the driver holds the container with one hand. Inasmuch as drivers need to maintain one hand on the wheel, only one hand is free for grasping the fast-food finger item. If a driver wishes to use a condiment while driving, the driver must attempt to open the condiment container before driving and place the open condiment container on the vehicle seat. However, such condiment containers are likely to tip and spill on the seat.

In order to solve this problem, various solutions have been proposed. In general, these solutions relate to providing a lid for a soft drink which includes a compartment for receiving a condiment. Examples of such container lids are disclosed in U.S. Pat. No. 5,722,558 as well as U.S. Patent Application Publication Nos. U.S. 2004/0050847 A1 and U.S. 2004/0182862 A1, hereby incorporated by reference. In general, such drink lids include a compartment for receiving a condiment. In particular, the '588 patent discloses a container lid for use with a hot or cold soft drink. The container lid is formed with a well which extends downwardly into the drink container. The well is adapted to receive a condiment.

There are several problems with such a configuration. First, since the well extends down into the drink container, the condiment will either be heated or cooled depending on the temperature of the liquid in the drink container. Secondly, if the drink container is tilted for consumption, the tilting could possibly cause the condiment in the well in the container lid to spill or leak into the drink itself or vice versa.

In order to solve this problem U.S. Patent Application Publication No. U.S. 2004/0182862 A1 discloses an alternate disposable container lid in which the condiment container is formed in a container lid that is configured so that the condiment reservoir does not extend into the drink container. In order to further insulate the condiment in the reservoir from the heating or cooling effects of the soft drink within the drink container, a bottom floor of the reservoir is formed with a thermal insulating layer.

Although this container lid solves the problems mentioned above, there are other problems associated with such a drink container. First, the drink container only includes a single condiment reservoir. As such, multiple condiments can not be accommodated. In addition, the condiment reservoir is only

2

adapted to be utilized with soft drinks which are consumed via a straw, such as soda. Other soft drinks, such as coffee and hot chocolate, are not suitable for use with the configuration disclosed in the above mentioned U.S. Patent Application Publication for the reasons discussed above. Finally, the soft drink lid is a custom lid is more expensive than conventional lids. Fast food suppliers would thus be confronted with the problem of ascertaining whether customers require lid dispensers or container lids with condiment reservoir or supplying all customers with the more expensive drink container lids with the built in condiment reservoirs.

U.S. Patent Application Publication No. U.S. 2004/0050847 A1 also discloses a container lid for a soft drink with an integrated compartment for condiment. This published application is configured with a recessed compartment for receiving a separate condiment container. Similar to the container lid discussed above, the container lid disclosed in the '847 publication is only suitable for use with cold soft drinks that are normally consumed through a straw. Thus, there is a need for a condiment holder for use in a vehicle which avoids the problems associated with the prior art.

SUMMARY OF THE INVENTION

The present invention relates to a condiment container that is configured to be carried by a conventional drink holder, standard on just about all vehicles. In accordance with an important aspect of the invention, the condiment container is formed with a form factor selected to enable the condiment container to be carried in place by a standard drink holder. By configuring the condiment container to be carried by a standard drink holder, the problems associated with incorporating a condiment container in a drink container lid are overcome. The container can be configured with various design options which lend to multiple applications of the container.

DESCRIPTION OF THE DRAWINGS

These and other advantages of the present invention will be readily understood by reference to the following specification and attached drawing wherein:

FIG. 1A is a side elevational view of one embodiment of the condiment container in accordance with the present invention.

FIG. 1B is a front elevational view of the condiment container illustrated in FIG. 1A.

FIG. 1C is a side elevational view illustrating the condiment container illustrated in FIG. 1A disposed in a standard cup holder.

FIG. 1D is a top view of a condiment container in accordance with the present invention being carried in a standard cup holder, illustrated with a portion of the removable cover removed.

FIG. 2A is a side elevational view of an alternate embodiment of the condiment container illustrated in FIG. 1A.

FIG. 2B is a front elevational view of the condiment container illustrated in FIG. 2A.

FIG. 2C is a side elevational view of the condiment container illustrated in FIG. 2A being carried by a standard drink holder.

FIG. 2D is a top view of two condiment containers in accordance with the present invention being carried in a standard drink holder at the same time, each illustrated with a portion of its removable cover removed.

FIG. 3A is a side elevational view of another alternate embodiment of the condiment container illustrated in FIG. 1A.

US 8,231,026 B2

3

FIG. 3B is a front elevational view of the condiment container illustrated in FIG. 3A.

FIG. 3C is a side elevational view of the condiment container illustrated in FIG. 3A being carried by a standard cup holder.

FIG. 3D is a top view illustrating two condiment containers as illustrated in FIG. 3A being carried by a standard drink holder at the same time, shown with the removable cover of one condiment container totally removed and the other condiment container with the removable cover partially removed.

FIG. 4A is a top view of an alternate embodiment of the invention illustrating a condiment container with two compartments.

FIG. 4B is a side view of the condiment container illustrated in FIG. 4A, shown being carried in a standard drink holder.

FIG. 5A is a top view of another alternate embodiment of the condiment container in accordance with the present invention.

FIG. 5B is a side view of the condiment container illustrated in FIG. 5A, shown being carried in a standard drink holder.

FIG. 6A is a top view of another alternate embodiment of the condiment container in accordance with the present invention.

FIG. 6B is a side view of the condiment container illustrated in FIG. 6A, shown being carried in a standard drink holder.

DETAILED DESCRIPTION

The present invention relates to a condiment container for carrying various condiments for various fast food items. In accordance with an important aspect of the invention, the condiment container is configured to be carried by a standard drink holder. As such, fast foods consumed during travel can be enjoyed with condiments that are relatively securely carried in a standard drink holder.

Various configurations of the condiment container are contemplated. In accordance with an important aspect of the invention, the condiment container is formed with a container portion having a dimension slightly less than the interior diameter of a standard drink container. In order to enable the condiment container to be carried at the top of the drink container, the condiment container also includes one or more outwardly extending lips. The lips are configured to rest on the mouth of the drink holder so that the top plane of the condiment container is generally flush with the top of the drink holder. As such, the condiment container facilitates the use of condiments for fast foods that are consumed during travel.

FIGS. 1A and 1B illustrate a first embodiment of the invention. As shown in FIGS. 1A, 1B and 1D, the condiment container, generally identified with the reference numeral 20, is formed with an annular sidewall 22 forming a generally cylindrical container portion. The container portion 22 is closed at one end defining a generally linear bottom floor 24. An opposing end 26 is open and formed with a peripheral shoulder 28. The shoulder 28 extends radially outwardly from the container portion 22 and is configured to enable the condiment container 20 to be supported on an open mouth 30 of a standard or non-standard drink holder.

The length along the longest edge or portion 32 of the condiment container is selected to be less than the interior diameter of the drink holder 30. This length plus the width of the shoulder 28 is selected so that the shoulder 28 rests on the mouth 30 of a standard drink holder. Various dimensions of

4

the shoulder 28 are contemplated. For example, a ¼ an inch shoulder may be used contemplated. Virtually any size can be used which allows the shoulder 28 to rest on the mouth of the cup holder 30.

The container can be configured in various shapes and formed from a material, suitable for use in the food industry and molded. For example, the condiment container can be configured to be a generally cylindrical container, for example, with a single compartment, such that only one condiment container fits within a standard drink holder, as generally shown in FIGS. 5A and 5B. Moreover, the height H (FIG. 5B) can be varied depending on the amount of condiment to be dispensed. In other embodiments, the condiment container may be configured in a generally semi-circular shape, for example, as shown in FIGS. 1A-4B. As shown in FIGS. 4A and 4B, the condiment container may be formed with multiple compartments. FIGS. 6A and 6B illustrate another embodiment which has a generally non-circular shape.

In general, the condiment containers in accordance with the present invention include removal covers, generally identified with the reference numeral 33 (FIG. 1D), for closing the open end 26, for example as shown in FIGS. 1D, 2D and 3D. These covers 33 are formed from a material suitable for use with the food industry. The covers 33 are attached to a top portion of the lip 28 with an adhesive also suitable for use in the food industry.

FIGS. 2A, 2B, 2C and 2D illustrate an alternate embodiment of the condiment container, generally identified with the reference numeral 34. The container 34 is formed with an irregular shape as best shown in FIG. 2A and includes an annular sidewall 38 forming a container portion and an irregular shaped floor 40, as best shown in FIG. 2A. The container portion 38 is formed with a generally semi-circular shape, as best shown in FIG. 2D, and also formed to be symmetrical relative to a vertical axis 42. In particular, the container portion 38 is configured such that a short axis 48 (FIG. 2B) is selected to allow two condiment containers to be carried at the same time in a single drink holder. The curved floor or bottom 40 allows a consumer to balance the container 34 on one leg.

FIGS. 3A, 3B, 3C and 3D, illustrate a condiment, generally identified with the reference number 50, formed with a slightly irregular but generally semi-circular shape, as best shown in FIG. 3D. Similar to the other embodiments illustrated in FIGS. 1A and 2A, the container 50 is formed with an annular sidewall forming a container portion 52 defining a long axis 56 and a bottom floor 60, slightly less than the interior diameter of a standard drink holder. A peripheral shoulder 58 is formed adjacent an open portion of the container portion 52. As shown best in FIGS. 3A and 3C, the bottom floor 60 may be formed with an irregular shape. As best shown in FIG. 3D, the configuration of the container 50 allows a product to be dipped from wide and deep end, or squirted from narrow end when the cover is removed.

FIGS. 4A and 4B illustrate another alternate embodiment, generally identified with the reference numeral 62. As illustrated, this embodiment is similar to the embodiment illustrated in FIG. 1A-1D, except the condiment container 62 is formed with more than one compartment.

FIGS. 5A and 5B illustrate another alternate embodiment, generally identified with the reference numeral 64. This embodiment is similar to the embodiment illustrated in FIGS. 1A-1D, except the container 64 is configured in a generally circular shape so that only one container generally fits within a standard drink holder. As shown, the condiment container

US 8,231,026 B2

5

includes a single compartment. However, the container **64** can be configured with multiple compartments as discussed above.

FIGS. **6A** and **6B** illustrate an embodiment, generally identified with the reference numeral **66**. The condiment container **66** is formed with two spaced apart linear sides **68**, **70**. The spaced apart sides **68**, **70** need not be linear but can be virtually any shape. The other two sides **72** and **74** may be formed to be linear or virtually any shape. A pair of lips **76** is formed to extend outwardly from the sides **72**, **74**. It is only important that a major axis **78** (FIG. **6A**) of the container **66** be selected to be less than the interior diameter of the standard drink holder plus the width of the lips **76** is selected so that they extend over the mouth of the standard drink holder. A cover **80** is also provided. The cover **80** is not removable but may include access to the interior of the container.

Obviously, many modifications and variations of the present invention are possible in light of the above teachings. Thus, it is to be understood that, within the scope of the appended claims, the invention may be practiced otherwise than as specifically described above.

What is claimed and desired to be secured by a Letters Patent of the United States is:

1. A condiment container for carrying various condiments, the condiment container comprising:

a container formed with a continuous sidewall with varying heights and forming a predetermined shape closed on one end forming a bottom floor and open on an opposing end defining an open end forming a container portion for receiving a condiment, said container portion formed with a form factor that enables said container to be received in a standard vehicle drink holder by way of a shoulder portion, said bottom floor formed to provide a deep end of said condiment container and a shallow end of said condiment container;

said shoulder portion comprising one or more extending shoulders extending outwardly from said continuous sidewall adjacent said open end configured to vertically support said container portion in said standard vehicle drink holder; and

a cover for covering said open end of said container portion, the cover attached to the open end of said container by an adhesive, the cover is peelable from the deep end of the container, the cover is totally removable from the deep end of the container to access the deep end of the container, and the cover is removable from the shallow end of the container to squirt the condiment from the shallow end of the container.

2. A condiment container as recited in claim **1**, wherein said container portion is configured with a single compartment.

3. A condiment container as recited in claim **1**, wherein said container portion is configured with more than one compartment.

4. A condiment container as recited in claim **3**, wherein said container portion is configured with two compartments.

5. The condiment container as recited in claim **1**, wherein said cover is secured to said container portion with the adhesive.

6. The condiment container as recited in claim **1**, wherein said container portion is configured in a generally cylindrical shape.

7. The condiment container as recited in claim **1**, wherein said container portion is configured in a generally circular shape.

6

8. The condiment container as recited in claim **1**, wherein said container portion is configured in a generally semi-circular shape.

9. The condiment container as recited in claim **1**, wherein said container portion is configured in a generally semi-circular shape having two spaced apart generally linear sides.

10. The condiment container as recited in claim **1**, wherein said bottom floor is generally linear.

11. The condiment container as recited in claim **1**, wherein said containers are configured so that more than one condiment container can be carried in a standard drink container at one time.

12. The condiment container as recited in claim **1**, wherein the deep end of the container is wider than the shallow end of the container.

13. The condiment container as recited in claim **1**, wherein the shallow end of the container is narrower than the deep end of the container.

14. A container for carrying various condiments, comprising:

a continuous sidewall, a peripheral shoulder portion extending outwardly from the continuous sidewall; an open end formed by the peripheral shoulder portion; a closed end forming a bottom floor; a removable cover over the open end, the removable cover attached to the peripheral shoulder portion; the container forming a wide end and a narrow end; the removable cover is peelable from the wide end of the container; the cover totally removable from the wide end of the container to access the wide end of the container; and, the cover removable from the narrow end to squirt or squeeze a condiment from the container.

15. The condiment container as recited in claim **14**, wherein the wide end of the container is deeper than the narrow end of the container.

16. The condiment container as recited in claim **14**, wherein the narrow end of the container is shallower than the wide end of the container.

17. The condiment container as recited in claim **14**, wherein the cover is secured to the peripheral shoulder portion with an adhesive.

18. A container for carrying various condiments, comprising:

a continuous sidewall, a peripheral shoulder portion extending outwardly from the continuous sidewall; an open end formed by the peripheral shoulder portion; a closed end forming a bottom floor; a removable cover over the open end, the removable cover attached to the peripheral shoulder portion via an adhesive the container forming a first end and a second end, the first end having a deep and wide construction, the second end having a shallow and narrow construction, wherein the removable cover is peelable from the first end; the cover totally removable to access the first end of the container to dip a food item into the first end; and, the cover removable from the second end to squirt or squeeze a condiment from the container.

19. The condiment container as recited in claim **1**, wherein said condiment container provides a dual function condiment container to dip a food item into the deep end of the container and to squirt a condiment from the shallow end of the container.

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